IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 17TH AUGUST 2007 / 26TH SRAVANA 1929

Bail Appl..No. 5017 of 2007()

CRIME NO.544 OF 2007 OF NEDUMANGAD POLICE STATION

.....

: PETITIONER/ACCUSED

SAJI, S/O.PONNU MUTHAN NADAR,
SAJI BHAVAN, CHENTHIPOOR, CHELLAMCODE MURI,
NEDUMANGAD VILLAGE, VENKODE(P.O),
THIRUVANANTHAPURAM.

BY ADV. SRI.NAGARAJ NARAYANAN
SRI.RAJAN VELLOTH
SRI.SAIJO HASSAN
SRI.A.S.SABU

RESPONDENTS: STATE

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.5017 of 2007

Dated this the 17th day of August, 2007

ORDER

Application for regular bail. The petitioner faces allegations under Section 376 r/w 511 I.P.C. The crux of the allegations against the petitioner, a young married police constable is that he attempted to commit rape on a 9 year old daughter of a neighbour. The said child had admittedly gone to the house of the petitioner at a time when there was no other person in that house to collect certain amounts which were allegedly due from the petitioner to the parents of the girl. The petitioner allegedly took the child inside. He allegedly kissed her. He allegedly introduced his fingers into the private parts of the victim girl. The girl went back to her mother and complained. The incident took place on 24.06.07. The crime was registered only on 05.07.07. Investigation is in progress. The petitioner was arrested on 06.07.07. The petitioner continues in custody from 06.07.07.

2. The learned counsel for the petitioner submits that the allegations are totally false. They are so improbable that no reasonably prudent person can believe the same. Finally it is submitted that even if the entire allegations were accepted, there are no elements whatsoever to show that there was an attempt to rape. It is in these circumstances prayed that the petitioner who has remained

in custody from 06.07.07 may be enlarged on bail subject to appropriate terms and conditions.

3. The learned Public Prosecutor opposes the application. But notwithstanding the opposition, on an anxious consideration of all the relevant inputs, I am persuaded to agree that the petitioner can now be enlarged on bail subject of course to appropriate conditions.

4. In the result, this application is allowed. The petitioner shall be released on bail on the following terms and conditions.

i) The petitioner shall execute a bond for Rs.50,000/- (Rupees Fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m and 12 noon on all Mondays for a period of three months and thereafter as and when directed by the Investigating Officer in writing to do so;

iii) The petitioner shall not enter the Session division of Trivandrum until further orders without the prior permission of the learned Magistrate except for the purpose of complying with condition (ii) above.

(R.BASANT, JUDGE)

rtr/-